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Letter dated 18 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/447).

The Counter-Terrorism Committee has received the attached supplementary report from Guatemala, submitted pursuant to paragraph 6 of resolution 1373 (2002) (see annex).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 8 July 2002 from the Permanent Representative of Guatemala to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

As foreshadowed in paragraph 1.3 of the guidance note issued by the Counter-Terrorism Committee on 26 October 2001, regarding the preliminary comments on the report of the Government of Guatemala submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001), I am pleased to submit herewith to the Committee you preside a second report on the steps taken by the Government of Guatemala to comply with commitments contained in said resolution (see enclosure).

I hope that the information contained in the document now being submitted to the Counter-Terrorism Committee is found to be useful.

(*Signed*) Gert **Rosenthal**
Permanent Representative

Enclosure

Supplementary questions concerning resolution 1373 (2001)*

On behalf of the Counter-Terrorism Committee (CTC), I would like to thank you for your letter dated 24 December 2001 (S/2001/1272) enclosing the report of the Government of Guatemala submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Resolution).

The CTC has considered the report carefully, with the assistance of its panel of experts. As foreshadowed in paragraph 1.3 of the guidance note issued by the CTC on 26 October 2001, the CTC has the following preliminary comments on the report (arranged by reference to the relevant paragraphs and subparagraphs of the resolution).

Subparagraph 1 (a)

Could Guatemala please clarify whether the Guatemalan Act against money-laundering covers only proceeds of crime? Does Guatemala intend to prohibit all forms of financing terrorism, including from legal sources? Please set out the time frame for any such prohibition to come into effect both in law and in practice.

Does Guatemala have any provision for regulating informal banking networks? Please outline such provisions.

The Guatemalan Act Against the Laundering of Money or Other Assets is applicable only to activities that stem from or originate in the commission of an offence, as set forth in article 2 of the Act.

As to Guatemala's intention to prohibit all forms of financing terrorism, an inter-agency committee composed of representatives of State agencies and other Guatemalan government institutions, which prepared the reports requested by the Security Council and is providing replies to its supplementary questions, is working on a draft act to prevent and combat terrorism.

Subparagraph 1 (b)

Do the provisions in the Penal Code mentioned in relation to this subparagraph criminalize the collection of funds in Guatemala for the support of terrorism outside Guatemala?

Please indicate the extent to which those provisions cover all the acts required to be criminalized under this subparagraph.

The aforementioned provisions of the Guatemalan Penal Code pertaining to the collection of funds for the support of terrorism are, for the time being, applicable to offences committed in the territory of Guatemala, except in the cases of extraterritoriality specifically contained in article 5 of the Penal Code, entitled "Extraterritoriality of the penal law".

In addition, the Act on Banks and Financial Groups, Decree-Law No. 19-2002 of the Congress of the Republic, defined what is meant by "offshore entities" in the country, regulated their operation and indicated under what circumstances their

* The annexes are on file with the Secretariat and are available for consultation.

operating permit could be revoked; thus, entities constituted outside our country that operate in Guatemala are being regulated.

Subparagraph 1 (c)

Do Guatemalan legal provisions permit the freezing of funds as required by subparagraph 1 (c)? Please outline the relevant provisions.

Yes, Guatemalan law permits the freezing of funds. In accordance with article 278 of the Code of Criminal Procedure and article 530 of the Code of Civil and Commercial Procedure, a competent judge may, at the request of the Office of the Public Prosecutor, order an emergency precautionary measure by which the seizure of goods and other resources, including funds deposited in bank accounts, is effected; the measure can be applied once it is known that funds deposited in the national banking system are connected with persons who collaborate with terrorism, and it has the same effect as the freezing of funds, for once the seizure becomes effective, the account holder cannot use the resources.

In specific cases related to the laundering of money or other assets, article 12 of the Act Against the Laundering of Money or Other Assets, Legislative Decree No. 67-2001, establishes that in case of *periculum in mora*, the Office of the Public Prosecutor may order the confiscation, seizure or freezing of property, documents and bank accounts; such an order must be confirmed immediately by a competent judge or court.

In addition to the foregoing, article 13 of the said Act establishes a system of custody of the confiscated goods, which are entrusted to the Office of the Public Prosecutor.

Subparagraph 1 (d)

How does the financial tracking system ensure that funds received by associations are not diverted from their stated purposes to terrorist activities?

Since the law establishes that customers must indicate, when initiating a commercial relationship with one of the persons targeted by the Act Against the Laundering of Money or Other Assets, whether they are carrying out a transaction on their own behalf or on behalf of third persons, institutions will be able to determine whether the money belongs to the person who appears or whether that person is appearing on behalf of someone else.

Moreover, with the development of the "know your customer" policy, targeted entities will have committed themselves to knowing the source of the funds used by customers, thus making it possible to determine whether the funds were diverted for use by that customer from some other person who has no commercial or other type of relationship, who might carry out ordinary transactions for this type of customer.

Notwithstanding the above, we wish to point out that we lack experience with regard to the mechanisms for determining whether funds are to be used for terrorist activities; we are therefore requesting technical assistance in this area so that the mechanisms can be implemented as soon as possible.

Subparagraph 2 (a)

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Guatemala, including, in particular:

- *the carrying out, within or from Guatemala, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and*
- *deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.*

Please outline the regulations governing the acquisition of weapons in Guatemala. Please provide a copy of Decree-Law No. 38-39 and a progress report on the proposed amendment to this Decree-Law to improve the control and licensing (asignación) of arms.

The Guatemalan Penal Code, in its Book II, Title XI, Chapter III, defines offences which compromise the foreign affairs of the State; there are two offences that may be applicable:

- **Interference**: Article 371 defines as one of the "Crimes which compromise the foreign affairs of the State" the so-called crime of interference, stating: "Anyone who, in Guatemalan territory, carries out activities designed to modify the political system of another State through violence shall be sentenced to one to three years' imprisonment and a fine".
- **Hostile acts**: Article 372 of the Penal Code defines the so-called crime of hostile acts, stating: "Anyone who, without the approval of the Guatemalan Government, commits hostile acts against another State which might give rise to a declaration of war against Guatemala shall be sentenced to two to eight years' imprisonment. Anyone who, under the same circumstances, exposes Guatemalans to potential humiliation or reprisals against their person or property or alters the friendly relations between the Government of Guatemala and a foreign Government shall also be subject to such a sentence. The sentence shall be doubled if the said hostile acts result in war."

The acquisition of weapons in Guatemala is governed by the Arms and Munitions Act, Decree-Law No. 39-89, and its Regulations. Article 18 of the Act establishes the functions of the Department of Arms and Munitions Control, as follows:

(a) Authorizing, registering and controlling the importation, manufacture, sale, donation, exportation, warehousing, de-warehousing, transport and bearing of weapons;

(b) Authorizing, registering and controlling the importation, manufacture, exportation, warehousing, de-warehousing and transport of ammunition;

(c) Authorizing and controlling the operation of armouries, shooting ranges and ammunition reconditioning machines;

(d) Registering and controlling the possession of arms;

(e) Keeping a registry of the ballistic fingerprints of all firearms;

(f) Keeping a registry of the trademarks of the ... ting associations which sell arms and ammunition;

(g) Carrying out at least every 30 days, or whenev... ry, a physical inventory of the stock of firearms and ar... ercial establishments and places of deposit;

(h) Inspecting shooting ranges and their record bo... med necessary to do so;

(i) Carrying out other functions assigned to it by th...

The draft amendments to Decree-Law No. 39-89 on ar... being processed by the legislature.

In addition, by means of Decree-Law No. 24-2002... 2, the legislature approved the Inter-American Convention ... Illicit Manufacturing of and Trafficking in Firearms, Ammunitio... Other Related Materials, which is pending ratification by the Pres... lic.

Subparagraph 2 (b)

Could Guatemala please describe the mechanism for ... ration on an early warning mechanism for the exchange of infor... States, and for providing a unified approach in implementing the re...

Control of narcotic drugs

In accordance with article 71 of Decree-Law No. ... Combat Trafficking in Narcotic Drugs), the Commission against A... Drug Trafficking (CCATID) "will study and decide on national p... cation and treatment of addictions and the prevention of ill... drug trafficking in all its manifestations and related activities".

Article 72 (e) of the aforesaid Act establishes that th... CCATID are to "take decisions, make recommendations and for... and prevention plans to be complied with at the administrative l... ted by the various police and other security forces in the country, ... ot and prosecute any illegal activity relating to illicit drug traffi... forms and related activities".

In accordance with the National Anti-Drug Plan 19... em of illegal drugs is addressed from two sides, namely: (a) drug ... plans, designs and carries out all actions relating to pre... and rehabilitation, and research into the use of drugs, and (b) ... ply of drugs; this side is responsible for all actions relating to re... ility of drugs among the population.

CCATID, through its Executive Secretariat, coordinate... tal and non-governmental organizations the efforts needed to p... ntion campaigns. It also has at its disposal an ambulatory treatm... with addictions.

With regard to controlling the supply of drugs, the M... has a legal mandate to oversee the National Civil Police ... t of Antinarcotic Operations, the bodies responsible for contro... drugs,

which maintain close communication with the Executive Secretariat of CCATID; the Minister of the Interior is the Vice-Chairman of CCATID.

CCATID also maintains close communication with the Ministry of Defence, which is responsible for drug interdiction by air and sea.

With regard to the importation, exportation and control of legal chemicals and narcotics, and with regard to addiction treatment centres, CCATID maintains close communication with the Ministry of Public Health and Social Welfare, the government agency responsible for this area.

Lastly, a channel for inter-agency communication is being established by the Committee on Drug Trafficking and Drug Dependency through the agencies involved in controlling the supply of drugs, which meet periodically to discuss matters of interest.

At the international level, the Ministry of the Interior maintains coordination and exchanges information with INTERPOL through the relevant channels. The Ministry of Defence also carries out these activities through the Conference of Central American Armed Forces.

The National Civil Police of Guatemala is also a member of the Association of Central American Chiefs of Police, through which information is exchanged.

Financial tracking

Resolution AC-02-1998 of 20 February 1998 contains the Agreement on the Exchange of Information among Members of the Central American Council of Controllers of Banks, Insurance Companies and Other Financial Institutions, which makes it possible to receive information within this framework.

Reciprocal legal assistance is established at the domestic level in article 34 of the Act Against the Laundering of Money and Other Assets, as follows:

> "**Reciprocal legal assistance**. With a view to facilitating the prosecution and investigation of offences covered by this Act, the Office of the Public Prosecutor, as well as any other competent authority, may provide assistance to and seek assistance from the competent authorities of other countries in order to:
>
> - Obtain evidence or hear statements by individuals;
> - Present legal instruments;
> - Carry out inspections and effect seizures;
> - Examine articles and places;
> - Provide information and evidence;
> - Supply originals and authentic copies of documents and files concerning a given case, including banking, financial and commercial documents;
> - Identify products, instruments and other forms of evidence;
> - Provide or seek any other type of reciprocal judicial assistance permitted under domestic law."

Security

The Office of the Inter-Agency Security Coordinator, on the basis of one of the Coordinator's functions, as stipulated in Government Decision No. 429-2001, dated 17 October 2001, keeps a communication channel open in order to assist exchanges of information on terrorism and related activities that may be required by any similar international agency.

Subparagraph 2 (c)

Does the Government's Decision No. 383-2001 cover those who may be charged in another country with the acts mentioned in this paragraph? Is there any procedure for investigations before refugee status is granted to an individual? Please describe the procedure.

Since May 2002, in accordance with article 29 of Government Decision No. 383-2001, the Department for Immigration has effected verification of the background of persons applying for refugee status, in order to determine whether the applicants are covered by the prohibitions laid down in article IV of the said Decision.

Government Decision No. 383-2001, entitled "Regulations for the Protection and Determination of the Status of Refugees in the Territory of the State of Guatemala", establishes in its article IV that:

> "Refugee status cannot be granted to a person to whom any of the following situations apply:
>
> (a) He has committed a crime against the peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
>
> (b) He has committed a serious non-political crime outside Guatemalan territory; and
>
> (c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

It may be inferred from the above that Guatemala does not grant refugee status to applicants covered by the preceding hypotheses.

Chapter VI of the aforesaid Regulations governs the procedure for granting refugee status, which includes an investigation phase prior to the granting of such status.

Article 29 of the Regulations establishes the following:

> "**Verification**: Once the personal interviews have been completed, the Department for Immigration may, within a period of 30 days, request private individuals and national and international civil servants and institutions, both inside and outside Guatemala, with the exception of the authorities of the country of origin of the applicants, to supply such reports, documents or opinions as it may consider necessary in order to verify the information it has collected".

In duly qualified cases, the Department for Immigration may extend the period indicated with a view to collecting the information or documentation that may be required in order to effect verification.

Subparagraph 2 (d)

Do the provisions of Guatemala's Penal Code covering the crimes of interference and hostile acts, and the various crimes of international scope, cover all the acts listed in the subparagraph? Does Guatemala intend to extend its penal legislation, or introduce other measures, to prevent the perpetration of those acts?

The offences mentioned cover several of the acts referred to in subparagraph 2 (d) of the resolution. The possibility of extending our penal legislation is being analysed.

In addition, the Forum of Presidents of the Legislative Branch of Central America (FOPREL), of which Guatemala is a member, is working on the establishment of a "Model Antiterrorist Act", which will serve as a basis for the enactment of specific laws by each of the member States.

Moreover, in our legislation there is a legal description which broadly punishes terrorist activity, and which covers several of the acts mentioned in paragraph 2 (d) of resolution 1373 (2001). Article 391 of the Penal Code establishes that:

> "Anyone who, for the purposes of undermining the constitutional order or disturbing public order, executes acts aimed at starting fires or causing havoc or rail, maritime, fluvial or air disasters, shall be sentenced to 5 to 15 years' imprisonment.
>
> "If explosive materials having great destructive power are used in the commission of this offence and if, as a consequence thereof, death or serious injury results to one or more persons, the perpetrator shall be sentenced to 10 to 30 years' imprisonment."

Subparagraph 2 (e)

Are the acts of terrorism, described in the Resolution, all specific offences under the Penal Code, with penalties that duly reflect the seriousness of the offences? Please provide details.

Are the relevant provisions of the Penal Code of Guatemala applicable in all of the following circumstances:

- *acts committed outside Guatemala by a person who is a citizen of, or habitually resident in, Guatemala (whether that person is currently present in Guatemala or not);*
- *acts committed outside Guatemala by a foreign national who is currently in Guatemala?*

Guatemalan legislation covers a number of the terrorist acts described in resolution 1373 (2001). The definition of terrorism given in Article 391 of the Penal Code is broad.

Article 5 of the Penal Code covers the extraterritoriality of the law and applies in the following cases:

1. Acts committed outside Guatemala by an official in the service of the Republic, in respect of which no legal proceedings have been instituted in the country in which the offence was committed.

2. Acts committed on board a Guatemalan vessel, aircraft or any other vehicle, in respect of which no legal proceedings have been instituted in the country in which they were committed.

3. Acts committed outside Guatemala by a Guatemalan where a request for extradition has been denied.

4. Acts committed outside Guatemala against a Guatemalan, in respect of which no legal proceedings have been instituted in the country in which they were committed, provided that the Public Prosecutor's Office has filed charges and that the accused is in Guatemala.

5. Acts which, according to a treaty or agreement, are punishable in Guatemala, even if they were not committed on Guatemalan territory.

6. Acts committed outside Guatemala against the security, constitutional order or territorial integrity of the State, such as forgery of the signature of the President of the Republic, forgery of currency or bank bills which are legal tender, bonds and other credit instruments and commercial papers.

Article 6 of the Penal Code concerning foreign judgements, states that in cases covered by paragraphs 1 and 6 of the above-mentioned article, the accused shall be prosecuted under Guatemalan law even if he has been acquitted or sentenced outside Guatemala.

Article 8 of the Penal Code (Extradition) states that extradition may be requested or granted only in respect of ordinary crimes. If extradition is in the context of an international treaty, it may only be granted if there is reciprocity.

Subparagraph 2 (f)

What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts is required to be met and how long does it actually take in practice to implement such a request?

Please outline the law which authorizes the authorities to provide assistance in connection with criminal investigations or criminal procedures as required by subparagraph 2 (f) of the Resolution.

Guatemala is in a position to respond promptly to any request for judicial assistance in criminal proceedings relating to the financing of terrorist acts, according to the circumstances of each particular case.

Under the Code of Private International Law, the Inter-American Convention on Letters Rogatory — to which Guatemala is a party — and the Judicial Branch Act, the relevant Guatemalan authorities are authorized to provide assistance in criminal investigations and proceedings relating to the financing of terrorism.

Guatemala has also signed the following agreements concerning judicial assistance:

- mutual judicial assistance in criminal matters between the Rica, El Salvador, Guatemala, Honduras, Nicaragua and

- tion between the Government of the Republic of Guatemala nt of the United Mexican States concerning mutual judicial

Subp

ther the Multi-Disciplinary Committee also has the task of
inten *erating exchange of operational information with other*
coun *es outside the OAS, as required under this subparagraph.*

a multidisciplinary group that operates under the direction
of the *curity Coordinator. It is working on preliminary draft*
amend *ms and Ammunition Act No. 39-89 so as to strengthen the*
articl *rnational trade in firearms, their parts and ammunition so as*
to pre *aking in arms or diversion thereof for illegal uses and*
purpo

exchange of operational information with agencies of other
countr* * of the tasks of the multidisciplinary group (arms and
ammu*

Subp

How Guatemalan legislation deals with the exchange of
inform *the commission of terrorist acts as distinct from money-*
launde

omalan legislation provides for the exchange of information,
but o* *oney-laundering and financial information, not in respect of
the * *ist acts as distinct from money-laundering.

is no specific legislation dealing with the exchange of
infor* *the commission of terrorist acts; there are, however,
admi* *nts at the level of various State entities with counterparts in
other* *greements are currently being evaluated.

the exchange of information concerning financial and banking
overs* *gned between the Office of the Controller of Banks and its
counte* *countries, thereby permitting the oversight body to obtain
finan*

*fice of the Controller of Banks, through the Special Audit
Office* *gned a Memorandum of Understanding with the financial
intelli* *Salvador, Panama and Colombia and is in the process of
signin* *ndums with its counterparts in other countries; it is hoped
that* * be signed in the next few weeks and this could be used to
exchan* *garding money-laundering.

*l security, the Ministry of Defence and the Ministry of the
Intac* *ements with international entities such as INTERPOL and
CFAC* * Central American Armed Forces).

Subparagraph 3 (c)

Could Guatemala please indicate whether it has entered into any bilateral or multilateral agreements to prevent and suppress terrorist acts?

The international treaties on the matter to which Guatemala is a party are as follows:

- Treaty between the Government of the Republic of Guatemala and the Government of the United Mexican States concerning the serving of prison sentences;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- Convention for the Suppression of Unlawful Seizure of Aircraft;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- International Convention against the Taking of Hostages;
- Convention on the Physical Protection of Nuclear Material;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance;
- International Convention for the Suppression of Terrorist Bombings;
- International Convention for the Suppression of the Financing of Terrorism.

Guatemala has also signed the:

- Central American comprehensive cooperation plan to prevent and counteract terrorism and related activities;
- Framework agreement against terrorism between the countries of Central America and the Caribbean Basin;
- Joint communiqué concerning security on the border issued by the Presidents of the Republics of the United Mexican States and Guatemala.

Subparagraph 3 (d)

Please provide a progress report on the ratification of those of the international conventions and protocols relating to terrorism to which Guatemala has not yet acceded.

On 12 February 2002, Guatemala deposited with the Secretary-General of the United Nations the instruments of ratification for the following:

- International Convention for the Suppression of the Financing of Terrorism;

- International Convention for the Suppression of Terrorist Bombings;
- On 3 June 2002 Guatemala signed the Inter-American Convention against Terrorism.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, both of which were done at Rome on 10 March 1988, are at the stage of internal administrative consultation. The comments requested from various ministries are beginning to come in.

Subparagraph 3 (e)

Have the crimes specified in the relevant international conventions been included as extraditable offences in the bilateral treaties which Guatemala has concluded with other countries, in accordance with the provisions of United Nations conventions on terrorism?

Since Guatemala is a party to the multilateral conventions on terrorism, it has the legal means to give effect to active or passive legal extradition vis-à-vis States parties to these conventions, which contain a provision stipulating that where States make extradition subject to the provisions of international treaties, such treaties shall be regarded as a sufficient basis for proceeding with extradition. Guatemala must expand its legislation so as to create the offences referred to in the conventions in question or, where such offences already exist, so as to increase the penalties, since among the commitments that States make upon accepting the conventions is the commitment to make the offences in question punishable as "serious crimes".

The Code of Private International Law, book III, title 3, article 353, indicates that it is necessary that the act which gives rise to the extradition be a criminal offence in the legislation of the requesting and requested States.

In the Convention on Extradition concluded between Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, article 1 states that the contracting Republics agree to hand over to one another on a reciprocal basis individuals who take refuge in their respective territories who have been sentenced in one of the other contracting Republics as perpetrators of a crime or as accomplices or accessories after the fact to not less than two years' imprisonment or have been tried for a crime that under the legislation of the requesting country carries a penalty either equal to or greater than the one to which reference has been made.

Under article 1 of the Convention on Extradition signed at Montevideo, at the Seventh International Conference of American States, States parties undertake to hand over to other States that so request individuals on their territory who are accused of crimes or have been sentenced in that connection, provided that the following circumstances apply:

(a) The requesting State has jurisdiction to try and punish the offence attributed to the individual whom it desires to extradite;

(b) The act for which extradition is sought constitutes a crime and is punishable under the laws of the requesting and requested States with a minimum penalty of one year's imprisonment.

Guatemala's bilateral treaties with Belgium, Spain and the United States should be amended, since they contain a list of crimes; it would be more appropriate for extradition to be based on whether or not the acts in question are regarded as crimes in the States parties.

Subparagraph 3 (g)

Is there a law governing extradition, or is extradition governed by bilateral treaties? Can extradition for terrorist acts be refused on political grounds?

When compared with section F of article 1 of the Geneva Convention relating to the Status of Refugees, the Immigration Act, Decree No. 95-98, appears to restrict the reasons for which a refugee can be expelled from Guatemala. Please clarify the effect of the Immigration Act.

In Guatemala extradition is dealt with in article 27 of the Constitution, which states that "extradition is governed by the provisions of international treaties".

This provision stipulates that the expulsion of Guatemalan citizens shall not be initiated for political crimes, and that citizens shall in no case be handed over to a foreign Government, except for what is agreed upon in treaties and conventions regarding crimes of a genocidal nature or against international law.

There is no specific domestic legislation covering extradition.

When compared with section F of article 1 of the Convention relating to the Status of Refugees, the Immigration Act does not restrict the reasons for which a refugee can be expelled from Guatemala and refugee status cannot be granted if the individual requesting such status matches the hypotheses set forth in article 4 of Government Decision 383-2001, which are the same as those set forth in section F of article 1 of the Convention relating to the Status of Refugees.

Under article 18 of the Immigration Act, all matters relating to individuals given asylum, refugees and stateless persons are governed by the conventions and treaties and any other international arrangements to which Guatemala is a party.

Article 19 of the Immigration Act provides that Guatemala shall regard as refugees those foreigners to whom the competent authorities have granted refugee status, in accordance with the international conventions to which Guatemala is a party.

Paragraph 4

Has Guatemala addressed any of the concerns expressed in paragraph 4 of the resolution apart from having signed the Protocol Additional to the Agreement between Guatemala and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons and from having ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction?

In addition to the treaties and conventions referred to earlier for the purpose of combating international terrorism, transnational organized crime, illicit drug trafficking, money-laundering, illicit arms trafficking and the illicit circulation of

nuclear materials and other potentially lethal materials, Guatemala has ratified the following conventions:

- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- Agreement between Guatemala and Colombia on the Prevention, Control and Suppression of Abuse of, and Illicit Trafficking in, Narcotic Drugs and Psychotropic Substances and their Precursors and Chemical Products;
- Agreement between Guatemala and Spain on Cooperation in Preventing Abuse of, and Controlling Illicit Trafficking in, Narcotic Drugs and Psychotropic Substances;
- Agreement between Guatemala and Venezuela on the Prevention, Control and Suppression of Abuse of, and Illicit Trafficking in, Narcotic Drugs and Psychotropic Substances;
- Agreement between Guatemala and Peru against Abuse and Production of, and Illicit Trafficking in, Narcotic Drugs and Psychotropic Substances;
- Convention between Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama establishing the Standing Central American Commission for the Eradication of the Production of, Trafficking in, Abuse and Illicit Use of Narcotic Drugs and Psychotropic Substances;
- Central American Convention for the Prevention and Suppression of Money-Laundering, Laundering of Other Assets and Related Crimes;
- Treaty on the Non-Proliferation of Nuclear Weapons;
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and Protocols I, II and III thereto;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions;
- Convention between Guatemala and Ecuador on Cooperation in Combating Drug Trafficking and Drug Addiction;
- Convention between Guatemala and Argentina on Cooperation in Combating Drug Trafficking and Drug Dependency;
- Convention between Guatemala and Chile on Cooperation in Combating Drug Trafficking and Drug Dependency;
- Convention between Guatemala and Mexico on Cooperation in Combating Drug Trafficking and Drug Dependency;
- Convention between Guatemala and the United States of America on Cooperation in Combating Drug Trafficking and Drug Dependency.

In addition, consultations are currently being held on the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and on the convention for the suppression of illicit maritime and air trafficking in narcotic drugs in the Caribbean.

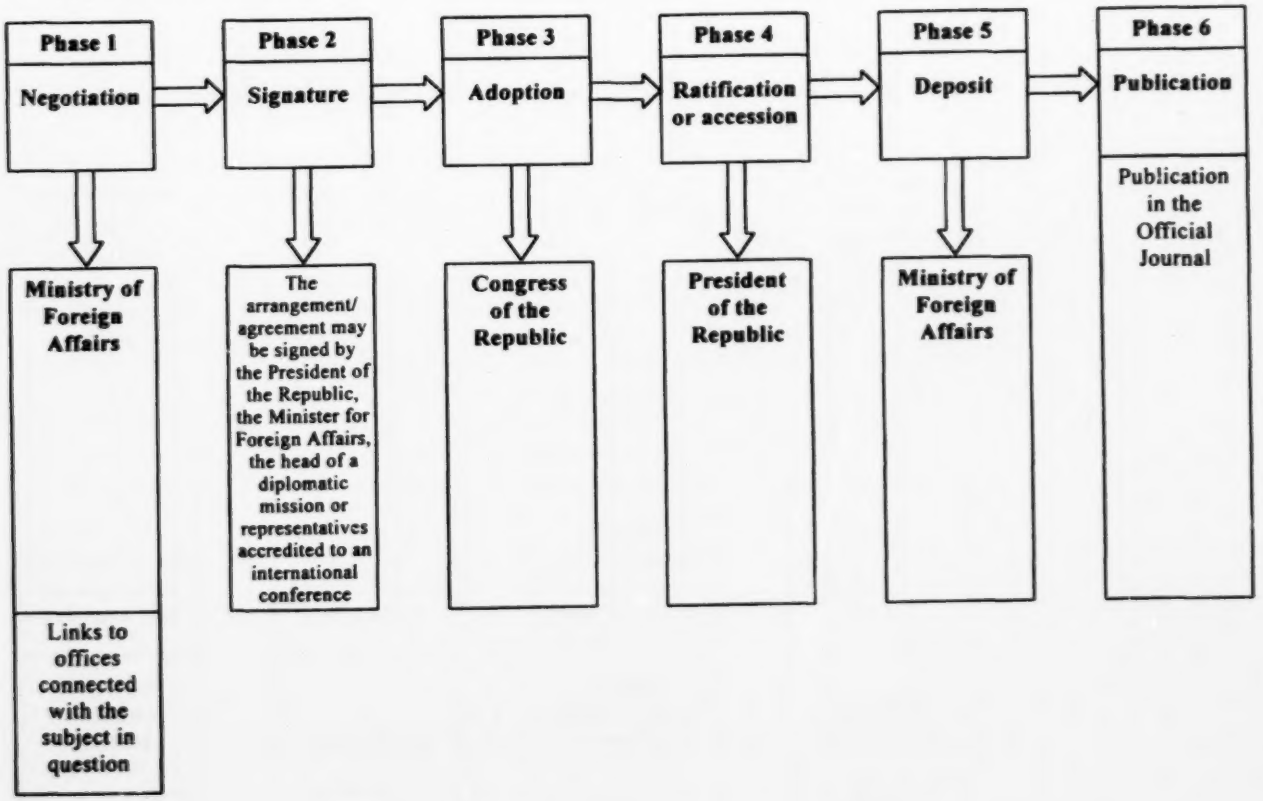
Other matters

Could Guatemala please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Administrative process diagrams

Cooperation through the signature of arrangements and agreements

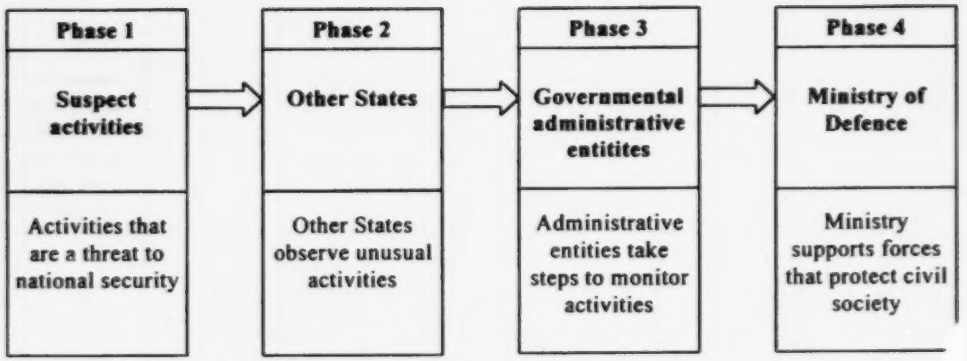
(Paragraph 3 (c), (d), and (e))


Phase 1
Negotiation
Phase 2
Signature
Phase 3
Adoption
Phase 4
Ratification or accession
Phase 5
Deposit
Phase 6
Publication
Ministry of Foreign Affairs
Links to offices connected with the subject in question
The arrangement/ agreement may be signed by the President of the Republic, the Minister for Foreign Affairs, the head of a diplomatic mission or representatives accredited to an international conference
Congress of the Republic
President of the Republic
Ministry of Foreign Affairs
Publication in the Official Journal

S/2002/784

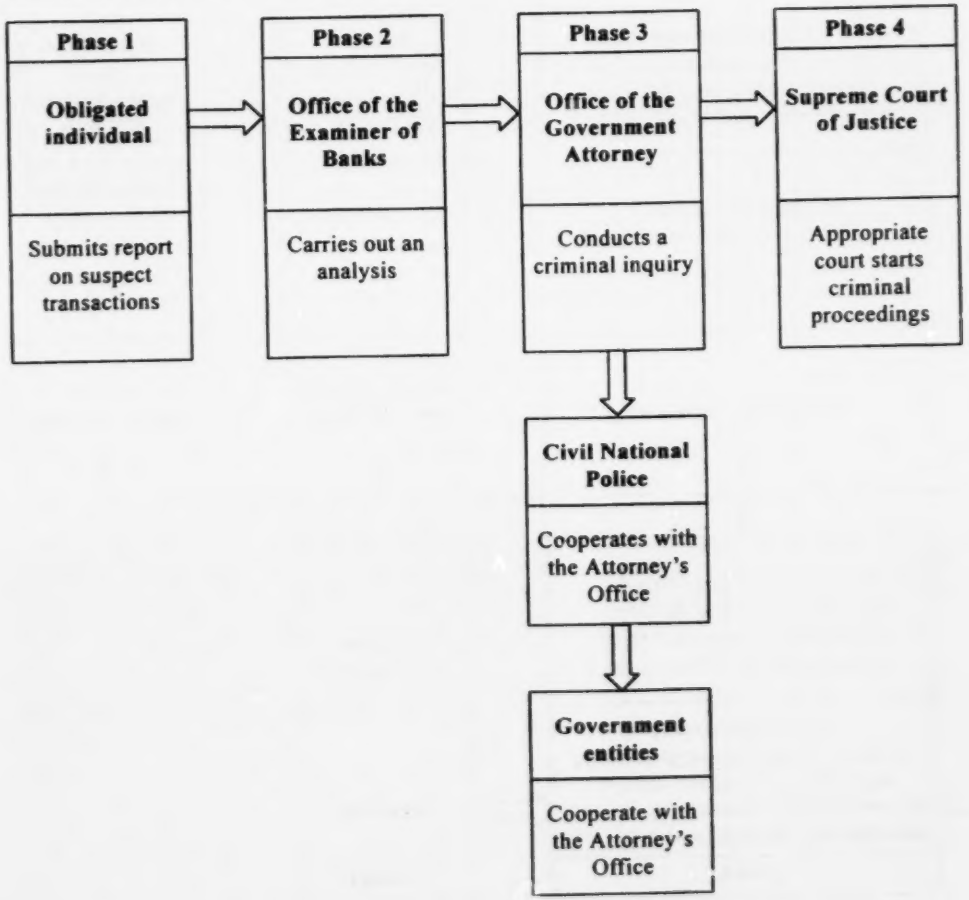
Early warning

(Paragraph 2 (b))



Inspection and control of the financial system (with respect to laundering of assets)

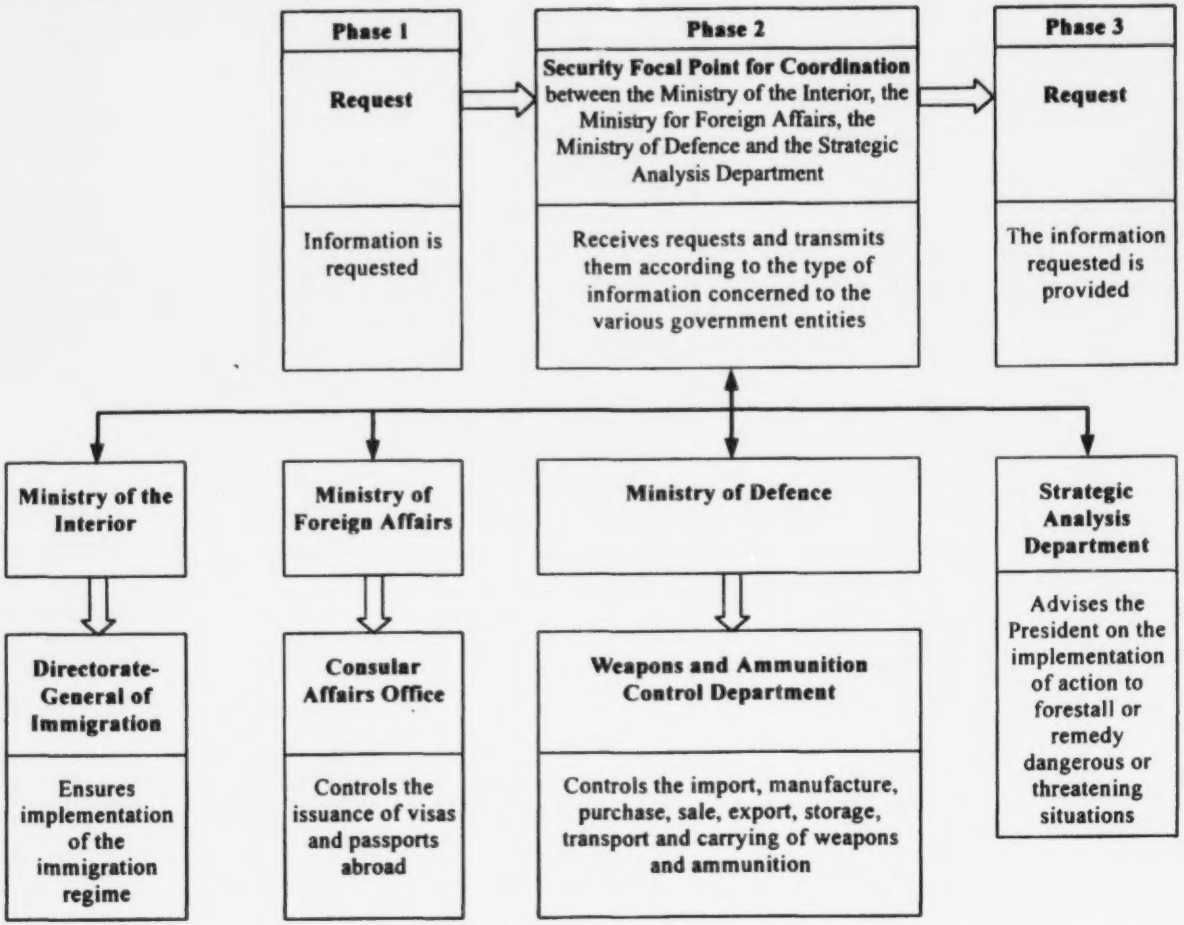
(Paragraph 1 (a) to (d); and paragraph 2 (e))



Note: This is the procedure currently followed with respect to the laundering of assets, in accordance with Decree No. 67-2001 of the Congress of the Republic. It could be the procedure to be followed with respect to the prevention and suppression of the financing of terrorism.

Exchange of information

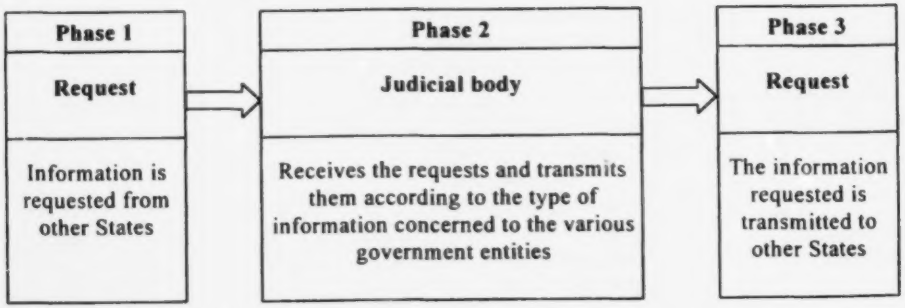
(Paragraph 3 (a) and (b))


Phase 1
Request
Information is requested
Phase 2
Security Focal Point for Coordination between the Ministry of the Interior, the Ministry for Foreign Affairs, the Ministry of Defence and the Strategic Analysis Department
Receives requests and transmits them according to the type of information concerned to the various government entities
Phase 3
Request
The information requested is provided
Ministry of the Interior
Directorate-General of Immigration
Ensures implementation of the immigration regime
Ministry of Foreign Affairs
Consular Affairs Office
Controls the issuance of visas and passports abroad
Ministry of Defence
Weapons and Ammunition Control Department
Controls the import, manufacture, purchase, sale, export, storage, transport and carrying of weapons and ammunition
Strategic Analysis Department
Advises the President on the implementation of action to forestall or remedy dangerous or threatening situations

Note: Operational information is exchanged on a reciprocal basis with similar international entities, in accordance with domestic legislation and the practices of international law.

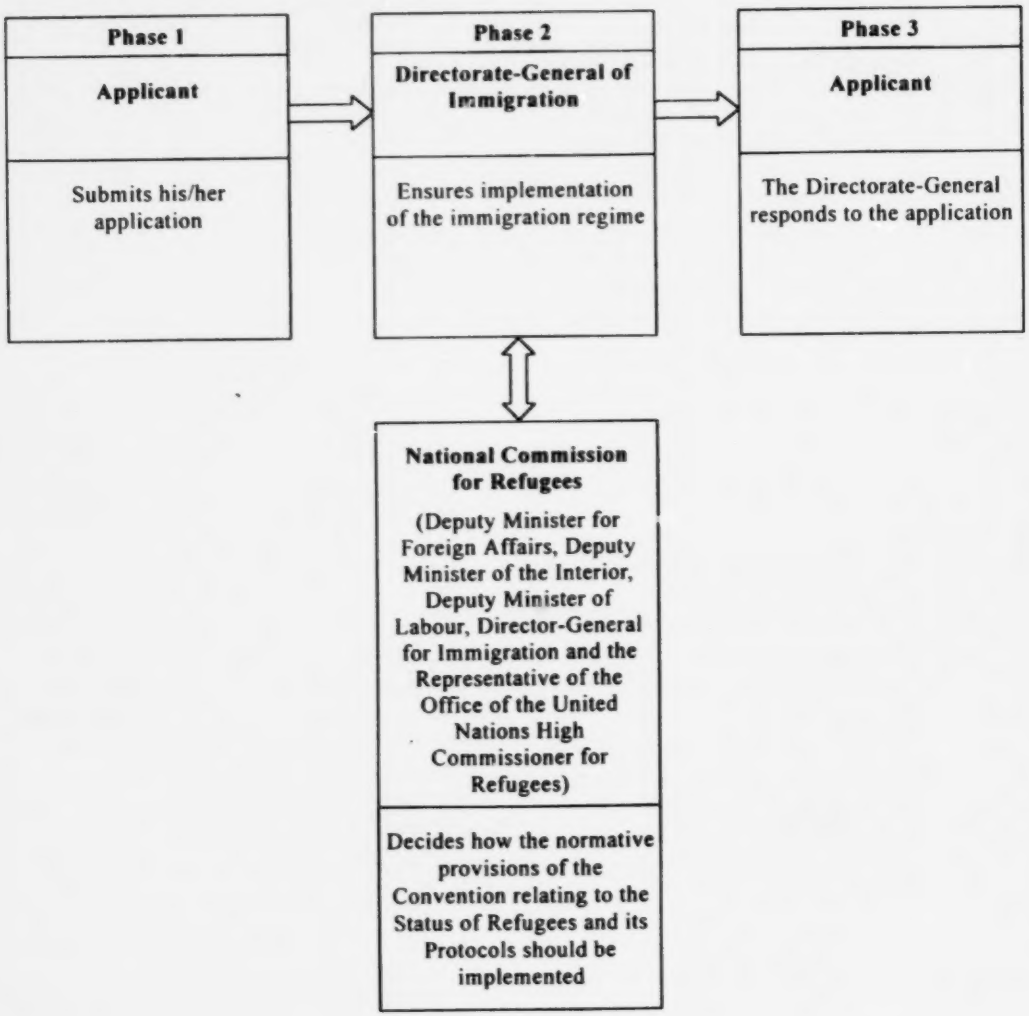
Legal assistance

(Paragraphs 2 (f) and 3 (b))


Phase 1
Request
Information is requested from other States
Phase 2
Judicial body
Receives the requests and transmits them according to the type of information concerned to the various government entities
Phase 3
Request
The information requested is transmitted to other States

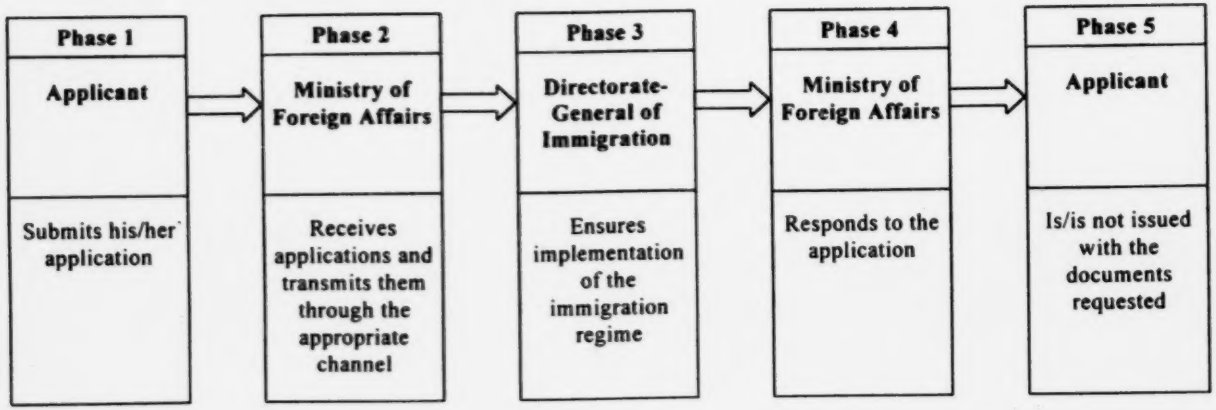
Refugee status

(Paragraph 2 (c) and (d); and paragraph 3 (f) and (g))


Phase 1
Applicant
Submits his/her application
Phase 2
Directorate-General of Immigration
Ensures implementation of the immigration regime
Phase 3
Applicant
The Directorate-General responds to the application
National Commission for Refugees
(Deputy Minister for Foreign Affairs, Deputy Minister of the Interior, Deputy Minister of Labour, Director-General for Immigration and the Representative of the Office of the United Nations High Commissioner for Refugees)
Decides how the normative provisions of the Convention relating to the Status of Refugees and its Protocols should be implemented

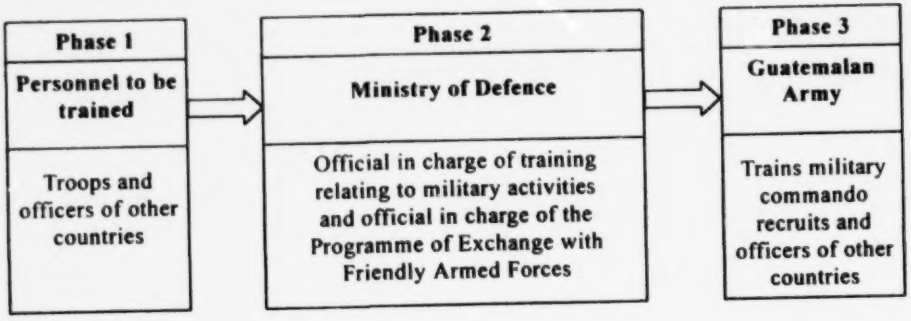
Issuance of travel documents

(Paragraph 2 (g))



Training relating to military activities

(Paragraph 2 (a))


Phase 1
Personnel to be trained
Troops and officers of other countries
Phase 2
Ministry of Defence
Official in charge of training relating to military activities and official in charge of the Programme of Exchange with Friendly Armed Forces
Phase 3
Guatemalan Army
Trains military commando recruits and officers of other countries